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10/697,915	10/30/2003	Janani Janakiraman	AUS920030756US1	9641
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IBM CORP (YA)			LIOU, ERIC	
C/O YEE & ASSOCIATES PC				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,915

Applicant(s)

JANAKIRAMAN ET AL.

Examiner

Eric Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-15,19-26,28-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-15,19-26,28-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1-2, 8, 11, 14-15, 19, and 25-26 and canceled claims 5-7, 16-18, 27, and 30. Thus, claims 1-4, 8-15, 19-26, and 28-29 remain pending and are presented for examination.

Response to Arguments

2. Applicant argues none of the cited references of the first office action teach or suggest the claimed limitation, “wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan, and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved.” Applicant further argues that none of the cited references teach or suggest a rule set that is used in rescheduling travel arrangements that includes both what invokes the discrepancy resolution as well as how to actually resolve the discrepancy. The Examiner respectfully disagrees. Anderson discloses “In one embodiment, whether or not automated assistant 100 would engage in making such arrangements on behalf of a user would depend on whether or not information within rules 136 indicates that the user is willing to allow automated assistant 100 to do so.” (Anderson: paragraph 0029). Thus, the rules information indicates the condition when automated 100 should act and alter a reservation. Anderson further discloses the rules include a limitation on the highest price the user is willing to allow automated assistant 100 to agree to on behalf of the user (Anderson: paragraph 0029). This price limit indicates another condition under which the automated assistant 100 should act to alter a reservation. The Examiner notes,

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the price limitation indicates the manner in which the user would like automated assistant 100 to alter a reservation (resolve a discrepancy), i.e. alter a reservation if the price is within a price range.

3. The Examiner notes, the remaining arguments presented in the response filed on 6/22/07 are no longer applicable since new references have been brought into the rejection. See art rejection below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4, 8-15, 19-26, and 28-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **As per claim 1**, the phrase “downstream segments” is recited in lines 9 and 14. It is unclear if “downstream segments” is the same as “downstream segments” recited in line 7. The Examiner interprets “downstream segments” (lines 9 and 14) to be the same “downstream segments” as recited in line 7. The phrase “a rule set” is recited in line 13. It is unclear if “a rule set” is the same rule set as recited in line 6. The Examiner interprets “a rule set” (line 13) to be the same “rule set” recited in line 6. The phrase “travel accommodations” is recited in line 18. It is unclear if “travel accommodations” is the same as “travel accommodations” recited in line 16. The Examiner interprets “travel accommodations” (line 18) to be the same “travel accommodations” recited in line 16.

7. **As per claim 14**, the phrase “downstream segments” is recited in lines 8 and 12. It is unclear if “downstream segments” is the same as “downstream segments” recited in line 6. The Examiner interprets “downstream segments” (lines 8 and 12) to be the same “downstream segments” as recited in line 6. The phrase “a rule set” is recited in line 12. It is unclear if “a rule set” is the same rule set as recited in line 5. The Examiner interprets “a rule set” (line 12) to be the same “rule set” recited in line 5. The phrase “travel accommodations” is recited in line 15. It is unclear if “travel accommodations” is the same as “travel accommodations” recited in lines 13-14. The Examiner interprets “travel accommodations” (line 15) to be the same “travel accommodations” recited in lines 13-14.

8. **As per claim 25**, the phrase “downstream segments” is recited in lines 9 and 13. It is unclear if “downstream segments” is the same as “downstream segments” recited in line 7. The Examiner interprets “downstream segments” (lines 9 and 13) to be the same “downstream segments” as recited in line 7. The phrase “a rule set” is recited in line 13. It is unclear if “a rule set” is the same rule set as recited in line 6. The Examiner interprets “a rule set” (line 13) to be the same “rule set” recited in line 6. The phrase “travel accommodations” is recited in line 17. It is unclear if “travel accommodations” is the same as “travel accommodations” recited in lines 16. The Examiner interprets “travel accommodations” (line 17) to be the same “travel accommodations” recited in line 16.

9. **As per claims 2, 15, and 26**, the phrase “a real-time change” is recited. It is unclear if “a real-time change” is the same as “a real-time change” recited in claims 1, 14, and 25. The Examiner interprets “a real-time change” (claims 2, 15, and 26) to be the same as “a real-time change” recited in claims 1, 14, and 25. The phrase “at least one segment of the prearranged

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travel plan” is recited. It is unclear if “at least one segment of the prearranged travel plan” is the same as “at least one segment of a prearranged travel plan” recited in claims 1, 14, and 25. The Examiner interprets “at least one segment of a prearranged travel plan” (claims 2, 15, and 26) to be the same as “at least one segment of a prearranged travel plan” recited in claims 1, 14, and 25.

10. **As per claim 3**, the phrase ‘a user’ is recited in line 2. It is unclear if “a user” is the same “a user” recited in claim 1. The Examiner interprets “a user” (line 2) to be the same user recited in claim 1.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 8-11, 13-15, 19-22, 24-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar, European Patent Application No. EP 1096405 A2 in view of Anderson et al., U.S. Publication No. 2002/0178226 in view of Lee et al., U.S. Patent No. 6,263,358 and further in view of Bekkers, U.S. Publication No. 2004/0019509.

13. **As per claims 1, 14, and 25**, Nassar discloses a method, a system, and a computer program product (Nassar: Fig.1; col. 2, lines 7-11; col. 6, lines 16-17) for rescheduling travel arrangements comprising the steps of:

obtaining, by the dynamic itinerary monitoring system (Nassar: Fig. 1, “16”), current travel information for a user to identify a current status of travel of the user (Nassar: col. 3, lines 5-22 and 43-47; col. 6, lines 20-23);

responsive to a real-time change in status in at least one segment of a prearranged travel plan for the user, determining by the dynamic itinerary monitoring system whether the user has provided information for making changes to downstream segments of the travel plan (Nassar: col. 3, lines 52-53; col. 7, lines 5-37, “profile of his personal preferences”);

automatically altering, by the dynamic itinerary monitoring system, the downstream segments of the travel plan according to the information, if the user has provided information for making changes to downstream segments of the travel plan (Nassar: col. 2, lines 35-40; col. 6, lines 6-12 and 27-30); and

automatically contacting, by the dynamic itinerary monitoring system, at least one agency computing device to modify travel accommodations associated with the travel plan in accordance with the altered downstream segments (Nassar: Fig. 1, “14”; col. 6, lines 27-43; The TIC application server 16 contacts the content gateway 14 when accessing reservation module 12c. The Examiner notes, while Nassar discloses that the TIC application server 16, content gateway 14, and reservation module 12c typically run on a single computer, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have separated the TIC application server 16 from content gateway 14 into a second computer for the advantage of freeing up memory and making the first computer system less complex.).

14. Nassar does not disclose a rule set wherein the rule set includes time-related information indicating under what conditions a discrepancy between the prearranged travel plan and the

current travel information is to be resolved by altering downstream segments of the prearranged travel plan; wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved; and wherein automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user.

15. Anderson discloses a rule set wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan (Anderson: paragraphs 0017; 0029) and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved (Anderson: paragraphs 0017; 0020; 0029).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar to have included a rule set wherein the rule set includes information indicating under what conditions a discrepancy between the prearranged travel plan and the current travel information is to be resolved by altering downstream segments of the prearranged travel plan and wherein the rule set further includes information indicating a manner by which the discrepancy is to be resolved as disclosed by Anderson for the advantage of automatically altering a reservation that the user would not have wanted to be bothered with (Anderson: paragraph 0032).

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17. Nassar in view of Anderson does not disclose time related information and wherein automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user.

18. Lee discloses in a travel management application, a software agent (dynamic itinerary monitoring system) that acts autonomously on behalf of a user to negotiate with another agent (agency computing device) using user established preferences (Lee: col. 1, lines 8-15; col. 2, lines 43-46; col. 9, lines 13-19; col. 45, lines 22-30).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar in view of Anderson to have included wherein automatically contacting at least one agency computing device to modify travel accommodations associated with the travel plan includes negotiating with the at least one agency computing device to obtain new travel accommodations and applying user established preferences to the negotiation with the at least one agency computing device, such negotiation occurring without involvement of the user as disclosed by Lee for the advantage of finding the best travel deal for a customer without his/her involvement.

20. Nassar in view of Anderson and further in view of Lee does not disclose time-related information.

21. Bekkers discloses time-related information (Bekkers: paragraph 0059, "tolerance (the number of minutes delayed that constitutes a delay in the view of the particular customer)).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, system, and computer product of Nassar in view of Anderson and further in view of Lee to have included time-related information as disclosed by Bekkers for the advantage of creating specific user preferences that can help cater goods and services that fit a customer's demand.

23. **As per claims 2, 15, and 26**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25 as described above. Nassar further discloses retrieving the prearranged travel plan from a storage device (Nassar: Figure 1, "10"; col. 6, lines 16-30); and comparing the prearranged travel plan to the current travel information, wherein a real-time change in status in at least one segment of the prearranged travel plan is determined if a result of the comparison indicates the discrepancy between the prearranged travel plan and the current travel information (Nassar: col. 3, lines 5-14; col. 6, lines 16-30).

24. **As per claims 3**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method of claim 1 as described above. Nassar further discloses the prearranged travel plan is obtained as travel arrangements are finalized by a user via at least one web site (Nassar: Fig. 1, "20a"; col. 7, lines 5-26).

25. **As per claim 4**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method of claim 1 as described above. Nassar further discloses the prearranged travel plan is obtained by receiving user input to at least one Web form provided by at least one server, identifying information regarding segments of the prearranged travel plan (Nassar: Fig. 1, "16" and "20a"; col. 7, lines 5-26).

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26. **As per claims 8 and 19**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 1 and 14 as described above. Nassar further discloses the user established preferences indicate a user preference regarding at least one of a preferred type of travel accommodation (Nassar: col. 3, lines 52-54; col. 7, lines 8-10).

Nassar does not disclose a preferred vendor of a travel accommodation.

27. Anderson discloses a preferred vendor of a travel accommodation (Anderson paragraph 0015, “e-commerce providers that a user prefers”).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar in view of Anderson in view of Lee and further in view of Bekkers to have included a preferred vendor of a travel accommodation as disclosed by Anderson for the advantage of allowing a customer to select a particular service that is desired.

29. **As per claims 9, 20, and 28**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25. Nassar further discloses identifying a plurality of prearranged travel plans for a plurality of users in a travel plan storage device (Nassar: Figure 1, “10”; col. 2, lines 7-18; col. 4, lines 12-14); for each prearranged travel plan, determining if the travel plan is currently active (Nassar: Figure 1; col. 6, lines 16-30; The notification module 12b performs the task of determining if the travel plan is currently active when monitoring a specific event.); and performing the steps of obtaining, determining, altering and contacting for each currently active prearranged travel plan in the travel plan storage device (Nassar: Fig. 1, “10”; col. 2, lines 35-40; col. 3, lines 5-22, 43-47, and 52-53; col. 6, lines 6-12 and 20-43; col. 7, lines 5-37).

30. **As per claims 10 and 21**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 1 and 14 as described above. Nassar further discloses the current travel information is obtained from at least one current travel information source computing device (Nassar: col. 2, lines 11-15; col. 3, lines 5-9).

31. **As per claims 11 and 22**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 10 and 21 as described above. Nassar further discloses the at least one current travel information source computing device includes at least one of an airline computing system, a travel agency computing system, a transportation provider computing system, a lodging provider computing system, and a government agency computing system (Nassar: col. 2, lines 11-18).

32. **As per claims 13, 24, and 29**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method, system, and computer product of claims 1, 14, and 25. Nassar further discloses sending a notification to a communication device associated with the user indicating the altered downstream segments of the travel plan and the modified travel accommodations (Nassar: Fig. 1; col. 3, lines 9-12; col. 11, lines 1-15).

33. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar, European Patent Application No. EP 1096405 A2 in view of Anderson et al., U.S. Publication No. 2002/0178226 in view of Lee et al., U.S. Patent No. 6,263,358 in view of Bekkers, U.S. Publication No. 2004/0019509 and further in view of Zobell et al., U.S. Patent No., 6,606,553.

34. **As per claims 12 and 23**, Nassar in view of Anderson in view of Lee and further in view of Bekkers discloses the method and system of claims 10 and 21 as described above.

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35. Nassar in view of Anderson in view of Lee and further in view of Bekkers does not disclose the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system.

36. Zobell discloses the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system (Zobell: col. 12, lines 35-36).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system of Nassar in view of Anderson in view of Lee and further in view of Bekkers to have included the at least one current travel information source includes an Air Route Traffic Control Center (ARTCC) computing system as disclosed by Zobell for the advantage of providing a method and system for effective weather rerouting decision support based on frequently updated weather forecasts (Zobell: col. 3, lines 15-19).

Conclusion

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

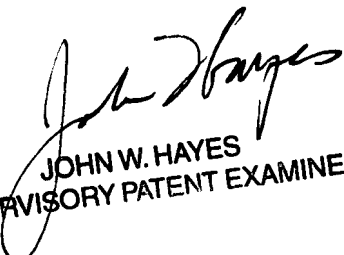
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER